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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,198	12/15/1999	NICK J. MAZZARELLA	1	8604

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EXAMINER

LEI, TSULEUN R

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,198

Applicant(s)

MAZZARELLA, NICK J.

Examiner

T. Richard Lei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-8 and 17 are rejected under 35 U.S.C. 102(e) as anticipated by Ferguson et al. (U.S. Patent No. 6,266,402)

Regarding Claim 1, Ferguson teaches a method for controlling messages in a communication system, comprising the steps of sending a message blocking request from a first network component (Col.5, Lines 20-26, and Fig.1, destination switching point, 19) to a second network component (Fig.1, Transfer point, 18), the message blocking request identifying a third network component (Col.5, Lines 20-26, and Fig.1, Originating switching point, 16); and preventing messages from being communicated from the third network component to the first network component (Col.5, Lines 26-31, regulation of queries) if the second network component accepts the message blocking request based on an evaluation of the communication system (Col.3, Lines 4-10).

Regarding Claim 2, Ferguson teaches the method of claim 1, wherein the step of preventing is performed at the second network component (Col.3, Lines 49-54).

Regarding Claim 3, Ferguson teaches the method of claim 1, further comprising the step of sending a message blocking

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command to the third network component (Col.3, Lines 4-10, informs originating switching points).

Regarding Claim 4, Ferguson teaches the method of claim 3, wherein the step of preventing is performed at the third network component (Col.3, Lines 38-42).

Regarding Claim 5, Ferguson teaches the method of claim 1, wherein the message blocking request specifies a duration of a blocking period (Col.4, Lines 11-18).

Regarding Claim 6, Ferguson teaches the method of claim 1, wherein the message blocking request specifies at least one acceptance interval during a blocking period, the acceptance interval being a period during which at least one message may be communicated from the third network component to the first network component (Col.3, Lines 43-46; and Col.4, Lines 5-18).

Regarding Claim 7, Ferguson teaches the method of claim 1, wherein the message blocking request specifies an action to be taken by the third network element instead of communicating a message from the third network component to the first network component (Col.4, Lines 5-10, to regulate the rate).

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Regarding Claim 8, Ferguson teaches the method of claim 7, wherein the second network component may modify the action specified in the message blocking request (Col.4, Lines 5-18, incorporating a call control message into query responses; also, Col.3, Lines 20-23).

Regarding Claim 17, Ferguson teaches the method of claim 7, wherein the action includes communicating the message from the third network component to a specified alternate destination (Col.3, Lines 30-43, Note the control is to prevent overload at a certain destination switching point, and call routing to any other destination switching point is not affected.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. in view of Hartmaier et al. (U.S. Patent No. 5,978,672).

Regarding Claim 9, Ferguson teaches a method for controlling messages in a communication system, comprising the steps of: sending a message blocking request from a first switching center to a system control function component (SCF), the message blocking request identifying a second switching center; and preventing messages from being communicated from the second switching center to the first switching center (see Ferguson's teaching in Claim 1). Ferguson does not teach that the switching centers can be wireless mobile switching centers (MSC). Hartmaier, however teaches an integrated wireless and wireline network with a common central control (Hartmaier, Fig.1 and Fig.2). Therefore, it would have obvious for one of ordinary skill in the art at the time the invention was made to

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combine the teaching of Hartmaier with that of Ferguson so the benefit of traffic congestion control can be extended also to the wireless network.

Regarding Claim 10, Ferguson as modified by Hartmaier teaches the method of claim 9, wherein the step of preventing is performed at the SCF (Ferguson, Col.3, Lines 49-54).

Regarding Claim 11, Ferguson as modified by Hartmaier teaches the method of claim 9, further comprising the step of sending a message blocking command to the second MSC (Ferguson, Col.3, Lines 4-10, informs originating switching points).

Regarding Claim 12, Ferguson as modified by Hartmaier teaches the method of claim 11, wherein the step of preventing is performed at the second MSC (Ferguson, Col.3, Lines 38-42).

Regarding Claim 13, Ferguson as modified by Hartmaier teaches the method of claim 9, wherein the message blocking request specifies a duration of a blocking period (Ferguson, Col.4, Lines 11-18).

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Regarding Claim 14, Ferguson as modified by Hartmaier teaches the method of claim 9, wherein the message blocking request specifies at least one acceptance interval during a blocking period, the acceptance interval being a period during which at least one message may be communicated from the second MSC to the first MSC (Ferguson, Col.3, Lines 43-46; and Col.4, Lines 5-18).

Regarding Claim 15, Ferguson as modified by Hartmaier teaches the method of claim 9, wherein the message blocking request specifies an action to be taken by the second MSC instead of communicating a message from the second MSC to the first MSC (Ferguson, Col.4, Lines 5-10, to regulate the rate).

Regarding Claim 16, Ferguson as modified by Hartmaier teaches the method of claim 15, wherein the SCF may modify the action specified in the message blocking request (Ferguson, Col.4, Lines 5-18, incorporating a call control message into query responses; also, Col.3, Lines 20-23).

Regarding Claim 18, Ferguson as modified by Hartmaier teaches the method of claim 15, wherein the action includes communicating the message from the second MSC to a specified

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alternate destination (Ferguson, Col.3, Lines 30-43, Note the control is to prevent overload at a certain destination switching point, and call routing to any other destination switching point is not affected).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gao et al. (U.S. Patent 5,548,533) teaches an overload control for a central processor in the switching network of a mobile communications system.

Atai (U.S. Patent No. 5,778,057) teaches a service control point congestion control method.

Hunt (U.S. Patent No. 6,259,776 B1) teaches a system for controlling telecommunication overload traffic.

Murase (U.S. Patent No. 5,703,870) teaches a congestion control method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Richard Lei whose telephone number is 703-305-4828. The examiner can normally be reached on 8:30 to 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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October 18, 2002


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